

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**

Docket No.
MSU 4.1-626

In Re Application Of: **Thomas J. Pinnavaia, Jainisha R. Shah and Seong-Su Kim**

Serial No.
10/718,329

Filing Date
November 20, 2003

Examiner
James W. Pasterczyk

Group Art Unit
1755

Invention:

**PROCESS FOR THE ASSEMBLY OF ULTRASTABLE MESOSTRUCTURED ORGANOFUNCTIONAL SILICA
COMPOSITIONS**

Owner of Record: **Board of Trustees of Michigan State University**

TO THE COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,506,485. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

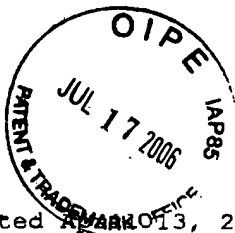

Signature

Dated: 7/13/2006

Ian C. McLeod

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☒ PTO suggested wording for terminal disclaimer was unchanged.
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.



MSU 4.1-626
Appl. No. 10/718,329
Amdt. dated June 27, 2006
Reply to Office Action dated April 13, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/718,329 Confirmation No. 1051
Applicants : Thomas J. Pinnavaia, Jainisha R. Shah
and Seong-Su Kim
Filed : November 20, 2003
TC/A.U. : 1755
Examiner : James W. Pasterczyk
Title : PROCESS FOR THE ASSEMBLY OF ULTRASTABLE
MESOSTRUCTURED ORGANOFUNCTIONAL SILICA
COMPOSITIONS
Docket No. : MSU 4.1-626
Customer No. : 21036

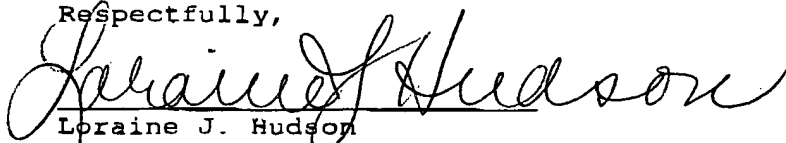
MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

COMMON OWNERSHIP STATEMENT
UNDER 35 USC 103(c)

Sir:

U.S. Patent No. 6,607,705 (Pinnavaia II) is 100% commonly owned by Michigan State University as is the above entitled patent application which were so owned by Michigan State University at the time the inventions were made pursuant to an obligation to assign by the inventors to assign to Michigan State University.

Respectfully,


Loraine J. Hudson
Director of Intellectual
Property

Dated: 7/5/06